

Packet No.: ENDICOR.5CP1D1

Customer No.: 20,995

TERMINAL DISCLAIMER UNDER 37 CFR § 1.321

Applicant : Honeycutt, et al.
App. No : 09/737,165
Filed : December 14, 2000
For : ROTATIONAL ATHERECTOMY
DEVICE
Examiner : Kevin T. Truong
Art Unit : 3731

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

May 3, 2004

(Date)

James W. Hill, M.D., Reg. No. 46,396

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
MAY 10 2004
TECHNOLOGY CENTER 3700

Disclaimer by Assignee

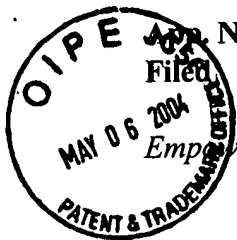
Assignee, ENDICOR MEDICAL, INC. ("Assignee"), hereby disclaims, except as provided below, the terminal part of any patent granted on the above-referenced application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,001,112, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the instant application and U.S. Patent No. 6,001,112 are co-owned. This agreement extends to any patent granted on the above-referenced application and shall be binding on its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-referenced application prior to the earlier of the expiration date of the full statutory term of U.S. Patent No. 6,001,112, and that of any patent issuing on the above-identified application in the event that either one later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

05/07/2004 MBERHE 00000028 09737165

02 FC:1814

110.00 OP



App. No : 09/737,165
Filed : December 14, 2000

Empowerment of Attorney & Right of Assignee to Take Action

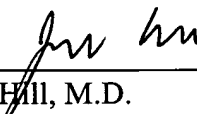
Pursuant to 37 C.F.R. 1.321(a) the undersigned attorney of record is empowered to act on behalf of the Assignee, by virtue of a Power of Attorney in the parent case, Application No. 09/260,199, a copy of which is attached. Additional Statements Under 3.73(b) are provided as needed to show co-ownership of the above-referenced application and that application/patent over which disclaimer is being made.

This Terminal Disclaimer is accompanied by the \$110 fee set forth in 37 C.F.R. § 1.20(d).

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR

Date: May 3, 2004



James W. Hill, M.D.
Registration No. 46,396
Attorney of Record
Customer No. 20,995
(949) 760-0404

TERMINAL1
H:\DOCS\UZH\ZH-5390.DOC
050304